Remarks

A. Cross-reference to Co-pending application

The Applicants wish to draw the Examiner's attention to copending U.S. patent application No. 10/562,807, filed on July 6, 2006, containing claims directed to antibody fragments comprising Fab or Fab' that have been modified by the attachment of at least one effector molecule, wherein the heavy chain in the fragment is not covalently bonded to the light chain, and both the interchain cysteine of C_L and the interchain cycstein of C_H1 have been replaced with another amino acid.

B. Remarks

Responsive to the Restriction Requirement mailed November 7, 2007, the Applicants provisionally elect Group I with traverse. The Examiner required an identification of claims encompassed by the elected invention. The claims encompassed by the invention are claims 1-20, 24-29, and 39-44.

Upon further review of election requirement, however, it is believed to be improper and withdrawal is requested. According to PCT Rule 13, unity of invention exists where there is a technical relationship among the claimed inventions involving at least one special technical feature. PCT Rule 13.2 dictates that a restriction based on lack of unity of invention should not be raised or persisted in on the basis of a narrow, literal or academic approach. Here, the claims all contain a common inventive feature in that they all contain the technical feature of an Fab or Fab' antibody fragment that has been modified by the replacement of either the interchain cysteine of C_H1 or the interchaine cysteine of C_L with another amino acid. As a common inventive feature is present in all of the claims, unity of invention exists among the claims.

Furthermore, the Examiner has indicated that the claims lack unity of invention because the technical feature of Claim 1 is not special, citing Humphreys et al (1997) in support. The Examiner cited pages 194-195 of this reference. Upon closer review, the Applicants submit that this reference does not disclose Fab or Fab' antibody fragments modified by the replacement of either the interchain cysteine of C_H1 or the interchaine cysteine of C_L with another amino acid. Humphreys discloses the replacement of the

cysteine in C_L with another amino acid, but only discloses the removal of the cysteine in C_H1 and does not disclose the replacement of that cysteine with another amino acid. Accordingly, the Examiner's reliance on Humphreys is misplaced; Humphreys is not prior art against the claims.

As such, an examination of all of the claims in a single application would not be unduly burdensome. Withdrawal of the restriction request, therefore, is in order and is earnestly solicited.

The Applicants invite the Examiner to contact the Applicants' undersigned representative at (312) 913-3319 if the Examiner believes that this would expedite prosecution of this application.

Respectfully submitted,

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